IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 8223 OF 2006
IN
FIRST APPEAL NO. 444 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : J.P. DEVADHAR AND
B.P. DHARMADHIKARI, JJ.
JUNE 12, 2007.

Heard Shri Khapre, learned counsel for the respondents and Shri Dewani, learned counsel for the appellants.

The application is for prohibiting the respondents from selling two flats situated at Green Park Cooperative Society, Civil Lines, Nagpur, to prospective purchasers including Narayan Agrawal.

Shri Khapre, learned counsel states that if such prayer is not granted and if ultimately the first appeal is dismissed, the recovery as per impugned judgment will be defeated.

Shri Dewani, learned counsel, on the other hand, states that while admitting the First Appeal, prima facie balance of convenience, possibility of irreparable loss

was all considered by the Division Bench and thereafter the impugned judgment has been stayed. He further invites attention to reply affidavit filed on record disclosing that the appellants who are owners of flats have no intention to sell the flats.

We have considered the contentions, affidavit and reply filed on record. We find that the application is not giving all details of the properties in relation to which relief is sought. Similarly reply on record is also very vague. Later on, the respondents have placed on record the documents in relation to various properties and a property card in relation to two flats in said apartment is also produced on record. This Court while granting interim relief on 7.9.2006, has not protected the respondents in case the first appeal is dismissed. It is no doubt true that the impugned judgment has been stayed.

In the circumstances, considering the vague reply filed by the present appellants to the application and also the fact that the interest of respondents need to be protected, we are restraining the appellants from disposing of said flats at Green Park Cooperative Society, Civil Lines, Nagpur,

without obtaining permission of this Court. Civil Application is allowed only to that extent.

JUDGE **JUDGE**

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